

**The Constitution Revision Commission**  
**COMMITTEE MEETING EXPANDED AGENDA**

**LOCAL GOVERNMENT**  
**Commissioner Donalds, Chair**  
**Commissioner Nocco, Vice Chair**

**MEETING DATE:** Friday, January 26, 2018  
**TIME:** 9:00 a.m.—12:00 noon  
**PLACE:** 401 Senate Office Building, Tallahassee, Florida

**MEMBERS:** Commissioner Donalds, Chair; Commissioner Nocco, Vice Chair; Commissioners Gainey, Solari, Stemberger, Timmann, and Washington

TAB	PROPOSAL NO. and INTRODUCER	PROPOSAL DESCRIPTION and COMMITTEE ACTIONS	COMMITTEE ACTION
1	<b>P 95</b> Lee	LOCAL GOVERNMENT, creates s. 6; a new Section 6 of Article VIII of the State Constitution and to renumber present section 6 of that article to limit the power of a county, municipality, or special district to regulate commerce, trade, or labor unless the regulation applies exclusively within the respective entity's own boundaries in a manner not prohibited by law, and to specify that such regulation may not intrude upon or impede commerce, trade, or labor across the respective entity's boundaries.  LO 01/26/2018 Temporarily Postponed LE	Temporarily Postponed
2	<b>P 61</b> Smith	LOCAL GOVERNMENT, Municipalities; Section 2 of Article VIII of the State Constitution to provide that any law enacted by the Legislature that restricts the home rule powers granted to municipalities must meet certain criteria.  LO 11/29/2017 Temporarily Postponed LO 01/26/2018 Fav/CS LE	Fav/CS Yeas 4 Nays 3
3	<b>CS/P 55</b> Judicial / Kruppenbacher	JUDICIARY, Funding; Section 14 of Article V of the State Constitution to require the Legislature to provide by general law for the payment of filing fees, service charges, and other costs for certain judicial proceedings; and to require the clerks of the circuit and county courts to submit an annual cumulative budget for performing court-related functions to the Legislature.  JU 01/12/2018 Temporarily Postponed JU 01/19/2018 Fav/CS LO 01/26/2018 Favorable	Favorable Yeas 7 Nays 0
4	<b>CS/P 26</b> Executive / Keiser	EXECUTIVE, Cabinet; Section 4 of Article IV of the State Constitution to establish the Office of Domestic Security and Counter-Terrorism within the Department of Law Enforcement.  EX 01/19/2018 Fav/CS LO 01/26/2018 Temporarily Postponed	Temporarily Postponed

**Constitution Revision Commission  
Local Government Committee  
Proposal Analysis**

(This document is based on the provisions contained in the proposal as of the latest date listed below.)

Proposal #: P 95

Relating to: LOCAL GOVERNMENT, creates s. 6

Introducer(s): Commissioner Lee

Article/Section affected: Article VIII, new section

Date: January 18, 2018

	REFERENCE	ACTION
1.	<u>LO</u>	<u><b>Pre-meeting</b></u>
2.	<u>LE</u>	<u></u>

---

**I. SUMMARY:**

Proposal 95 creates a constitutional prohibition against any county, municipality, or special district's regulation of any type of commerce, trade, or labor, unless such regulation operated exclusively within the respective entity's own boundaries in a manner not prohibited by law. Additionally, the Proposal prohibits any regulation enacted by a county, municipality, or special district from intruding upon, or impeding, commerce, trade, or labor across the respective entity's boundaries.

**II. SUBSTANTIVE ANALYSIS:**

**A. PRESENT SITUATION:**

The 1968 Florida Constitution introduced the concept of "Home Rule" whereby local governments "may exercise any power for municipal purposes except as otherwise provided by law."<sup>1</sup>

Florida law provides four fundamental limitations on the exercise of municipal home rule authority:

1. The state legislature;
2. The citizens of the municipality;
3. The state constitution; and
4. A county's charter.<sup>2</sup>

Municipalities are granted broad home rule authority to pass ordinances to govern the local community in areas that are not specifically addressed or reserved by state legislation or the state constitution.<sup>3</sup> However, municipal ordinances must yield to state law to the extent the ordinance conflicts with existing

---

<sup>1</sup> Fla. Const. Art VIII, §2(b)

<sup>2</sup> F.S. §166.021(1)

<sup>3</sup> F.S. §166.021(1)

state law and a municipality's power to act or regulate in a particular area may be preempted by general law.<sup>4</sup>

Pursuant to Article XIII and Chapter 125 of the Florida Statutes, local governments have broad authority to legislate on matters not inconsistent with federal or state law. A local government regulation may be inconsistent with state law if (1) the Legislature "has preempted a particular subject area" or (2) the local enactment conflicts with a state statute. Florida law recognizes two types of preemption: express and implied. An express preemption is created when the Legislature specifically declares a local government is prohibited from regulating a certain field.<sup>5</sup>

### Noncharter Counties

A county without a charter has such power of self-government as provided by general<sup>6</sup> or special law, and may enact county ordinances not inconsistent with general law.<sup>7</sup> General law authorizes counties "the power to carry on county government"<sup>8</sup> and to "perform any other acts not inconsistent with law, which acts are in the common interest of the people of the county, and exercise all powers and privileges not specifically prohibited by law."<sup>9</sup>

### Charter Counties

Pursuant either to general<sup>10</sup> or special law, a county government may be adopted by charter approved by the county voters. A county with a charter has all powers of self-government *not inconsistent* with general law or special law approved by the county voters. The governing body of a county operating under a charter may enact county ordinances not inconsistent with general law. In the event of a conflict between a county and municipal ordinance, the charter must provide which ordinance prevails.<sup>11</sup>

### Municipalities<sup>12</sup>

A municipality is a local government entity created to perform functions and provide services for the particular benefit of the population within the municipality, in addition to those provided by the county. The term "municipality" may be used interchangeably with the terms "town," "city," and "village."

### Special Districts<sup>13</sup>

Special districts are separate governmental entities existing for specific purposes and having substantial fiscal and administrative independence from general purpose governments

In Florida, special districts perform a wide variety of functions, such as providing fire protection services, delivering urban community development services, and managing water resources. Special districts typically are funded through ad valorem taxes, special assessments, user fees, or impact fees. The Uniform Special District Accountability Act, ch. 189, F. S., generally governs the creation and operations of special districts; however, other general laws may more specifically govern the operations of certain types of special districts.

---

<sup>4</sup> *Lake Worth Utils. Auth. v. Lake Worth*, 468 So. 2d 215 (Fla. 1985).

<sup>5</sup> *City of Hollywood v. Mulligan*, 934 So.2d 1238, 1243 (Fla. 2006).

<sup>6</sup> Chapter 125, Part I, F.S.

<sup>7</sup> FLA. CONST. art. VIII, s. 1(f).

<sup>8</sup> Section 125.01(1), F.S.

<sup>9</sup> Section 125.01(1)(w), F.S.

<sup>10</sup> Section 125.60, F.S.

<sup>11</sup> FLA. CONST. art. VIII, s. 1(g).

<sup>12</sup> See generally Florida House of Representatives, *Local Government Formation Manual 2017-2018*, Chapter 2.

<sup>13</sup> See generally *Local Government Formation Manual 2017-2018*, Chapter 5.

### Businesses, Professions and Occupations

General law directs a number of state agencies and licensing boards to regulate many professions and occupations and preempts the regulation of many businesses.

Whether or not, and to what degree, current law authorizes or preempts the local regulation of professions and occupations is typically done specifically and individually by subject matter, business type, or profession. Conversely, Florida law also specifically grants local jurisdictions the right to regulate businesses, occupations and professions in certain circumstances.

### Defining “Commerce,” “Trade” and “Labor”

The terms “Commerce,” “Trade” and “Labor” are not defined by the Florida Constitution, but are defined under limited circumstances in statute and in case law. For the purposes of construing an undefined constitutional provision, the Florida Supreme Court will first begin with an examination of the provision’s explicit language. If that language is clear and unambiguous, and addresses the matter at issue, it is enforced as written. If, however, the provision’s language is ambiguous or does not address the exact issue, a court must endeavor to construe the constitutional provision in a manner consistent with the intent of the framers and the voters.<sup>14</sup>

Taken at its plain meaning, “Regulate” potentially includes any sort of local government oversight. “Commerce, trade, and labor” potentially includes any activity or transaction performed by any person, business, or entity for compensation, and possibly includes activities or transactions not performed for compensation.<sup>15</sup> “Intrude or impede” potentially includes any interference – notwithstanding the degree or magnitude of such interference.<sup>16</sup>

Florida Statutes defined “trade and commerce” as the advertising, soliciting, providing, offering, or distributing, whether by sale, rental, or otherwise, of any good or service, or any property, whether tangible or intangible, or any other article, commodity, or thing of value, wherever situated. “Trade or commerce” shall include the conduct of any trade or commerce, however denominated, including any nonprofit or not-for-profit person or activity.<sup>17</sup> Merriam-Webster Dictionary defines labor as “an act or process requiring labor.”<sup>18</sup>

## **B. EFFECT OF PROPOSED CHANGES:**

Proposal 95 creates a constitutional prohibition against any county, municipality, or special district’s regulation of any type of commerce, trade, or labor, unless such regulation operated exclusively within the respective entity’s own boundaries in a manner not prohibited by law. Additionally, the Proposal

---

<sup>14</sup> *West Florida Regional Medical Center v. See*, 79 So. 3d 1, 9 (Fla. 2012).

<sup>15</sup> Florida Association of Counties, Analysis of P 95, 12/22/2018 (on file with CRC staff).

<sup>16</sup> Florida Association of Counties, Analysis of P 95, 12/22/2018 (on file with CRC staff).

<sup>17</sup> Section 501.203(8), F.S.

<sup>18</sup> Merriam-Webster Dictionary, <https://www.merriam-webster.com/dictionary/labor> (last visited 1/16/2018)



prohibits any regulation enacted by a county, municipality, or special district from intruding upon, or impeding, commerce, trade, or labor across the respective entity's boundaries.

The Proposal may inhibit the Legislature's ability to direct or authorize local governments to regulate or oversee any commerce, trade, or labor function unless such regulation was confined exclusively within the jurisdictional boundaries of the local government.

The scope of the proposal may be dependent on the interpretation of "may only regulate commerce, trade or labor occurring exclusively within the respective entity's own boundaries..." Courts may be required to determine the scope and reach of this language in its current form.

Under the proposal language, a county or municipality may be prohibited from overseeing persons, businesses, or other entities based outside of their jurisdiction, even though such persons, businesses, or entities conduct business inside of the county or municipality and enjoy property interests inside of the jurisdiction.

**C. FISCAL IMPACT:**

Indeterminate

**III. Additional Information:**

**A. Statement of Changes:**

(Summarizing differences between the current version and the prior version of the proposal.)

None.

**B. Amendments:**

None.

**C. Technical Deficiencies:**

**D. Related Issues:**

None.



506860

CRC ACTION

Commissioner .  
Comm: UNFAV .  
01/26/2018 .  
.  
.  
.

---

The Committee on Local Government (Nocco) recommended the following:

**CRC Amendment (with title amendment)**

Delete lines 20 - 26  
and insert:

SECTION 6. Regulation of commerce, trade, or labor.-

(a) A county, municipality, or special district may only regulate commerce, trade, or labor occurring exclusively within the respective entity's own boundaries in a manner consistent with general law. A regulation enacted by a county, municipality, or special district may not intrude upon or impede



506860

commerce, trade, or labor across the respective entity's  
boundaries.

(b) Subsection (a) does not apply to a regulation enacted  
by a county, municipality, or special district before November  
6, 2018.

(c)(1) A regulation that intrudes upon or impedes  
commerce, trade, or labor across the respective entity's  
boundaries may only be enacted pursuant to a special law by the  
legislature.

(2) Such regulation is valid only if a legislator, county,  
municipality, or special district has:

a. Pursuant to general law, published notice of intention  
to seek enactment of a special law by the legislature; or

b. Conditioned the law to become effective only upon  
approval by vote of the electors.

===== T I T L E A M E N D M E N T =====

And the title is amended as follows:

Delete line 10

and insert:

labor across the respective entity's boundaries; excluding  
certain regulations enacted before a specified date; authorizing  
the enactment of certain regulations pursuant to special law;  
providing requirements for the passage of such special law.

By Commissioner Lee

leet-00104-17

201795\_\_

1                   A proposal to create  
2           a new Section 6 of Article VIII of the State  
3           Constitution and to renumber present section 6 of that  
4           article to limit the power of a county, municipality,  
5           or special district to regulate commerce, trade, or  
6           labor unless the regulation applies exclusively within  
7           the respective entity's own boundaries in a manner not  
8           prohibited by law, and to specify that such regulation  
9           may not intrude upon or impede commerce, trade, or  
10          labor across the respective entity's boundaries.

11  
12 Be It Proposed by the Constitution Revision Commission of  
13 Florida:

14  
15          Present section 6 of Article VIII of the State Constitution  
16          is renumbered as section 7, and a new section 6 is added to that  
17          article, to read:

18                   ARTICLE VIII

19                   LOCAL GOVERNMENT

20          SECTION 6. Regulation of commerce, trade, or labor.—A  
21          county, municipality, or special district may only regulate  
22          commerce, trade, or labor occurring exclusively within the  
23          respective entity's own boundaries in a manner not prohibited by  
24          law. A regulation enacted by a county, municipality, or special  
25          district may not intrude upon or impede commerce, trade, or  
26          labor across the respective entity's boundaries.

CONSTITUTION REVISION COMMISSION

APPEARANCE RECORD

(Deliver completed form to Commission staff)

Meeting Date

1/24/18

Proposal Number (if applicable)

95

Amendment Barcode (if applicable)

1

\*Topic

Proposal 95

\*Name

Michael Rubin

Address

502 E Jefferson St.

Phone

Street

City

Tall

State

Zip

FL

32803

Email

Mike.Rubin@flrc.com

\*Speaking:

☐

For

☒

Against

☐

Information Only

Waive Speaking:

☐

In Support

☐

Against

(The Chair will read this information into the record.)

Are you representing someone other than yourself?

☒

Yes

☐

No

If yes, who?

FLORIDA POLICE COUNCIL

Are you a registered lobbyist?

☒

Yes

☐

No

Are you an elected official or judge?

☐

Yes

☐

No

While the Commission encourages public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

Information submitted on this form is public record.

\*Required

✓

**CONSTITUTION REVISION COMMISSION**  
**APPEARANCE RECORD**

(Deliver completed form to Commission staff)

1/26/18  
Meeting Date

P. 95  
Proposal Number (if applicable)

506860  
Amendment Barcode (if applicable)

\*Topic LOCAL PREEMPTION

\*Name REP. CARLOS G. SMITH

Address 2237 Stonington Ave  
Street  
Orlando FL 32817  
City State Zip

Phone 404.934.4948

Email carlos.smith@myfloridahouse.gov

\*Speaking: ☐ For ☒ Against ☐ Information Only

Waive Speaking: ☐ In Support ☐ Against  
(The Chair will read this information into the record.)

Are you representing someone other than yourself? ☐ Yes ☒ No

If yes, who? \_\_\_\_\_

Are you a registered lobbyist? ☐ Yes ☐ No

Are you an elected official or judge? ☒ Yes ☐ No

While the Commission encourages public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

Information submitted on this form is public record.

\*Required

✓

**CONSTITUTION REVISION COMMISSION**  
**APPEARANCE RECORD**

(Deliver completed form to Commission staff)

1/26/2018

Meeting Date

P. 75

Proposal Number (if applicable)

506840

Amendment Barcode (if applicable)

\*Topic

Commerce/County Regulation

\*Name

Edward G. Labrador

Address

115 S. Andrews Ave., Rm 424

Phone

954-357-7375

Street

Fort Lauderdale

FL

33301

City

State

Zip

Email

elabrador@broward.org

\*Speaking:

☐

For

☒

Against

☐

Information Only

Waive Speaking:

☐

In Support

☐

Against

(The Chair will read this information into the record.)

Are you representing someone other than yourself?

☐

Yes

☐

No

If yes, who?

Broward County

Are you a registered lobbyist?

☒

Yes

☐

No

Are you an elected official or judge?

☐

Yes

☒

No

While the Commission encourages public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

Information submitted on this form is public record.

\*Required



**COMMITTEE:** Local Government  
**ITEM:** P 95  
**FINAL ACTION:**  
**MEETING DATE:** Friday, January 26, 2018  
**TIME:** 9:00 a.m.—12:00 noon  
**PLACE:** 401 Senate Office Building, Tallahassee, Florida

[illegible]

CODES: FAV=Favorable  
UNF=Unfavorable  
-R=Reconsidered

RCS=Replaced by Committee Substitute  
RE=Replaced by Engrossed Amendment  
RS=Replaced by Substitute Amendment

TP=Temporarily Postponed  
VA=Vote After Roll Call  
VC=Vote Change After Roll Call

WD=Withdrawn  
OO=Out of Order  
AV=Abstain from Voting



**Constitution Revision Commission  
Local Government Committee  
Proposal Analysis**

(This document is based on the provisions contained in the proposal as of the latest date listed below.)

Proposal #: P 61

Relating to: LOCAL GOVERNMENT, Municipalities

Introducer(s): Commissioner Smith

Article/Section affected: Art. VIII, Sec. 2

Date: November 20, 2017

	REFERENCE	ACTION
1.	<u>LO</u>	<u><b>Pre-meeting</b></u>
2.	<u>LE</u>	<u></u>

---

**I. SUMMARY:**

The Proposal amends Section 2 of Article VIII of the Florida Constitution to provide that any law enacted by the Legislature that restricts the home rule powers granted to municipalities must meet certain criteria. Any law which restricts power granted to a municipality must:

- 1) Pass by 2/3 vote of each house of the Legislature;
- 2) State with specificity the statewide necessity that justifies the restriction;
- 3) Be no broader than necessary to accomplish the statewide necessity expressed;
- 4) Contain only a single restriction of a granted power;
- 5) Relate to only one subject; and
- 6) Be considered by at least one committee of each house, who must notice consideration of the legislation at least 48 hours before consideration.

**II. SUBSTANTIVE ANALYSIS:**

**A. PRESENT SITUATION:**

Florida law provides four fundamental limitations on the exercise of municipal home rule authority: the state legislature, the citizens of the municipality, the state constitution, and a county's charter.<sup>1</sup> Municipalities are granted broad home rule authority to pass ordinance to govern the local community in areas that are not specifically addressed or reserved by state legislation or the state constitution.<sup>2</sup> However, municipal ordinances

---

<sup>1</sup> F.S. §166.021(3)

<sup>2</sup> F.S. §166.021(1)

must yield to state law to the extent the ordinance conflicts with existing state law and a municipality's power to act or regulate in a particular area may be preempted by general law.<sup>3</sup>

In a field where both the State and local government can legislate concurrently, a city cannot enact an ordinance that directly conflicts with a state statute. Local ordinances are inferior to the laws of the state and must not conflict with any controlling provision of a statute. If a city has enacted such an inconsistent ordinance, the ordinance must be declared null and void.

Currently there are no laws that require legislation that preempts municipal home rule authority to follow a prescribed process.

Art. VII, Section 18 of the Florida Constitution mandates that any law passed by the Florida Legislature that requires a municipality to spend funds or take action requiring the expenditure of funds must fulfill an important state interest, and must have funds appropriated to fund the expenditure, or must authorize the municipality to enact a funding source they may use to fund the mandate. Any law which is deemed an "unfunded mandate" must:

- 1) Pass by 2/3 vote of each house of the legislature
- 2) The law must apply to all individuals similarly situated, including state or local governments, or
- 3) The law is either required to comply with a federal requirement, or is required for eligibility for a federal entitlement that specifically contemplates actions by counties or municipalities.<sup>4</sup>

## **B. EFFECT OF PROPOSED CHANGES:**

The proposal establishes a process that the Legislature must follow when enacting restrictions on the powers granted to municipalities in Article VIII, Section 2(b). The proposal follows similar processes established in the Florida Constitution for enacting legislative mandates that require counties or municipalities to expend funds not otherwise provided for by the legislation.

The proposal requires the Legislature to pass future preemptions of municipal home rule authority by filing a standalone bill that only contains one preemption of the powers granted in Article VIII, Section 2(b). The law must relate to only one subject. The law must be tailored to be no broader than necessary to accomplish the state-wide necessity for the preemption. The law must be considered in at least one committee of each house, and each house must publicly notice the consideration of the law no less than forty-eight hours prior to its consideration. Lastly, the law must pass each house by a two-thirds vote.

---

<sup>3</sup> Lake Worth Utils. Auth. v. Lake Worth, 468 So. 2d 215 (Fla. 1985)

<sup>4</sup> Fla. Const. Art VII, §18(a)

**C. FISCAL IMPACT:**

The proposal has an indeterminate fiscal impact. The proposal could require indirect costs because of litigation by the Legislature and municipalities to determine the scope of the constitutional amendment.

**III. Additional Information:****A. Statement of Changes:**

(Summarizing differences between the current version and the prior version of the proposal.)

None.

**B. Amendments:**

None.

**C. Technical Deficiencies:**

None.

**D. Related Issues:**

Possible issue regarding “restricts power granted to a municipality” where courts may be needed to determine the scope of this language. The courts could interpret this to mean that any bill which touches on municipal government or powers in any way must pass with the heightened procedures set forth in the proposal.

May require clarification regarding what “This subsection is self-executing” means. May consider amending to language in conformity to other amendments such as “This amendment becomes effective upon approval by the electors” or simply omitted altogether.



137780

CRC ACTION

Commissioner .  
Comm: WD .  
01/26/2018 .  
.  
.  
.

---

The Committee on Local Government (Solari) recommended the following:

**CRC Amendment**

Delete lines 10 - 12  
and insert:

Section 2 of Article VIII of the State Constitution is  
amended to read:

ARTICLE VIII



408508

CRC ACTION

Commissioner .  
Comm: WD .  
01/26/2018 .  
.  
.  
.

---

The Committee on Local Government (Solari) recommended the following:

**CRC Amendment (with title amendment)**

Delete lines 10 - 13  
and insert:

Sections 1 and 2 of Article VIII of the State Constitution  
are amended to read:

ARTICLE VIII  
LOCAL GOVERNMENT

SECTION 1. Counties.—



408508

10 (a) POLITICAL SUBDIVISIONS. The state shall be divided by  
11 law into political subdivisions called counties. Counties may be  
12 created, abolished or changed by law, with provision for payment  
13 or apportionment of the public debt.

14 (b) COUNTY FUNDS. The care, custody and method of  
15 disbursing county funds shall be provided by general law.

16 (c) GOVERNMENT. Pursuant to general or special law, a  
17 county government may be established by charter which shall be  
18 adopted, amended or repealed only upon vote of the electors of  
19 the county in a special election called for that purpose.

20 (d) COUNTY OFFICERS. There shall be elected by the electors  
21 of each county, for terms of four years, a sheriff, a tax  
22 collector, a property appraiser, a supervisor of elections, and  
23 a clerk of the circuit court; except, when provided by county  
24 charter or special law approved by vote of the electors of the  
25 county, any county officer may be chosen in another manner  
26 therein specified, or any county office may be abolished when  
27 all the duties of the office prescribed by general law are  
28 transferred to another office. When not otherwise provided by  
29 county charter or special law approved by vote of the electors,  
30 the clerk of the circuit court shall be ex officio clerk of the  
31 board of county commissioners, auditor, recorder and custodian  
32 of all county funds.

33 (e) COMMISSIONERS. Except when otherwise provided by county  
34 charter, the governing body of each county shall be a board of  
35 county commissioners composed of five or seven members serving  
36 staggered terms of four years. After each decennial census the  
37 board of county commissioners shall divide the county into  
38 districts of contiguous territory as nearly equal in population



408508

as practicable. One commissioner residing in each district shall be elected as provided by law.

(f) NON-CHARTER GOVERNMENT. Counties not operating under county charters shall have such power of self-government as is provided by general or special law. The board of county commissioners of a county not operating under a charter may enact, in a manner prescribed by general law, county ordinances not inconsistent with general or special law, but an ordinance in conflict with a municipal ordinance shall not be effective within the municipality to the extent of such conflict. A law enacted by the Legislature which restricts power granted to a non-charter county must:

(1) Pass by a two-thirds vote of each house of the legislature;

(2) State with specificity the statewide necessity justifying the restriction;

(3) Be no broader than necessary to accomplish the statewide necessity expressed;

(4) Contain only one restriction of a power granted herein;

(5) Relate to one subject; and

(6) Be considered by at least one committee of each house, each of which must publicly notice the legislation for at least forty-eight hours before its consideration.

(g) CHARTER GOVERNMENT. Counties operating under county charters shall have all powers of local self-government not inconsistent with general law, or with special law approved by vote of the electors. The governing body of a county operating under a charter may enact county ordinances not inconsistent with general law. The charter shall provide which shall prevail



408508

in the event of conflict between county and municipal ordinances. A law enacted by the Legislature which restricts power granted to a charter county under this subsection must:

(1) Pass by a two-thirds vote of each house of the legislature;

(2) State with specificity the statewide necessity justifying the restriction;

(3) Be no broader than necessary to accomplish the statewide necessity expressed;

(4) Contain only one restriction of a power granted herein;

(5) Relate to one subject; and

(6) Be considered by at least one committee of each house, each of which must publicly notice the legislation for at least forty-eight hours before its consideration.

(h) TAXES; LIMITATION. Property situate within municipalities shall not be subject to taxation for services rendered by the county exclusively for the benefit of the property or residents in unincorporated areas.

(i) COUNTY ORDINANCES. Each county ordinance shall be filed with the custodian of state records and shall become effective at such time thereafter as is provided by general law.

(j) VIOLATION OF ORDINANCES. Persons violating county ordinances shall be prosecuted and punished as provided by law.

(k) COUNTY SEAT. In every county there shall be a county seat at which shall be located the principal offices and permanent records of all county officers. The county seat may not be moved except as provided by general law. Branch offices for the conduct of county business may be established elsewhere in the county by resolution of the governing body of the county





408508

in the manner prescribed by law. No instrument shall be deemed recorded until filed at the county seat, or a branch office designated by the governing body of the county for the recording of instruments, according to law.

===== T I T L E   A M E N D M E N T =====

And the title is amended as follows:

Delete lines 2 - 4

and insert:

Sections 1 and 2 of Article VIII of the State Constitution to provide that any law enacted by the Legislature that restricts the home rule powers granted to counties and



451392

CRC ACTION

Commissioner .  
Comm: FAV .  
01/26/2018 .  
.  
.  
.

---

The Committee on Local Government (Timmann) recommended the following:

**CRC Amendment (with title amendment)**

Delete everything after the enacting clause  
and insert:

Section 2 of Article VIII of the State Constitution is  
amended to read:

ARTICLE VIII

LOCAL GOVERNMENT

SECTION 2. Municipalities.—



451392

(a) ESTABLISHMENT. Municipalities may be established or abolished and their charters amended pursuant to general or special law. When any municipality is abolished, provision shall be made for the protection of its creditors.

(b) POWERS. Municipalities shall have governmental, corporate and proprietary powers to enable them to conduct municipal government, perform municipal functions and render municipal services, and may exercise any power for municipal purposes except as otherwise provided by law. A law enacted by the legislature which preempts power granted to a municipality under this subsection must:

(1) State with specificity the statewide necessity justifying the preemption;

(2) Be no broader than necessary to accomplish the statewide necessity expressed;

(3) Contain only one preemption of a power granted herein;  
and

(4) Relate to one subject.

Each municipal legislative body shall be elective.

(c) ANNEXATION. Municipal annexation of unincorporated territory, merger of municipalities, and exercise of extra-territorial powers by municipalities shall be as provided by general or special law.

===== T I T L E   A M E N D M E N T =====

And the title is amended as follows:

Delete everything before the enacting clause



451392

39 and insert:

40                           A proposal to amend  
41       Section 2 of Article VIII of the State Constitution to  
42       provide that any law enacted by the Legislature that  
43       restricts the home rule powers granted to  
44       municipalities must meet certain criteria.



367410

CRC ACTION

Commissioner .  
Comm: FAV .  
01/26/2018 .  
.  
.  
.

---

The Committee on Local Government (Solari) recommended the following:

**CRC Amendment to Amendment (451392) (with title amendment)**

Delete lines 5 - 8  
and insert:

Sections 1 and 2 of Article VIII of the State Constitution  
is amended to read:

ARTICLE VIII

LOCAL GOVERNMENT

SECTION 1. Counties.—



367410

10 (a) POLITICAL SUBDIVISIONS. The state shall be divided by  
11 law into political subdivisions called counties. Counties may be  
12 created, abolished or changed by law, with provision for payment  
13 or apportionment of the public debt.

14 (b) COUNTY FUNDS. The care, custody and method of  
15 disbursing county funds shall be provided by general law.

16 (c) GOVERNMENT. Pursuant to general or special law, a  
17 county government may be established by charter which shall be  
18 adopted, amended or repealed only upon vote of the electors of  
19 the county in a special election called for that purpose.

20 (d) COUNTY OFFICERS. There shall be elected by the electors  
21 of each county, for terms of four years, a sheriff, a tax  
22 collector, a property appraiser, a supervisor of elections, and  
23 a clerk of the circuit court; except, when provided by county  
24 charter or special law approved by vote of the electors of the  
25 county, any county officer may be chosen in another manner  
26 therein specified, or any county office may be abolished when  
27 all the duties of the office prescribed by general law are  
28 transferred to another office. When not otherwise provided by  
29 county charter or special law approved by vote of the electors,  
30 the clerk of the circuit court shall be ex officio clerk of the  
31 board of county commissioners, auditor, recorder and custodian  
32 of all county funds.

33 (e) COMMISSIONERS. Except when otherwise provided by county  
34 charter, the governing body of each county shall be a board of  
35 county commissioners composed of five or seven members serving  
36 staggered terms of four years. After each decennial census the  
37 board of county commissioners shall divide the county into  
38 districts of contiguous territory as nearly equal in population



367410

as practicable. One commissioner residing in each district shall be elected as provided by law.

(f) NON-CHARTER GOVERNMENT. Counties not operating under county charters shall have such power of self-government as is provided by general or special law. The board of county commissioners of a county not operating under a charter may enact, in a manner prescribed by general law, county ordinances not inconsistent with general or special law, but an ordinance in conflict with a municipal ordinance shall not be effective within the municipality to the extent of such conflict. A law enacted by the Legislature which restricts power granted to a non-charter county must:

(1) State with specificity the statewide necessity justifying the preemption;

(2) Be no broader than necessary to accomplish the statewide necessity expressed;

(3) Contain only one preemption of a power granted herein;  
and

(4) Relate to one subject.

(g) CHARTER GOVERNMENT. Counties operating under county charters shall have all powers of local self-government not inconsistent with general law, or with special law approved by vote of the electors. The governing body of a county operating under a charter may enact county ordinances not inconsistent with general law. The charter shall provide which shall prevail in the event of conflict between county and municipal ordinances. A law enacted by the Legislature which restricts power granted to a charter county under this subsection must:

(1) State with specificity the statewide necessity



367410

justifying the preemption;

(2) Be no broader than necessary to accomplish the  
statewide necessity expressed;

(3) Contain only one preemption of a power granted herein;  
and

(4) Relate to one subject.

(h) TAXES; LIMITATION. Property situate within  
municipalities shall not be subject to taxation for services  
rendered by the county exclusively for the benefit of the  
property or residents in unincorporated areas.

(i) COUNTY ORDINANCES. Each county ordinance shall be filed  
with the custodian of state records and shall become effective  
at such time thereafter as is provided by general law.

(j) VIOLATION OF ORDINANCES. Persons violating county  
ordinances shall be prosecuted and punished as provided by law.

(k) COUNTY SEAT. In every county there shall be a county  
seat at which shall be located the principal offices and  
permanent records of all county officers. The county seat may  
not be moved except as provided by general law. Branch offices  
for the conduct of county business may be established elsewhere  
in the county by resolution of the governing body of the county  
in the manner prescribed by law. No instrument shall be deemed  
recorded until filed at the county seat, or a branch office  
designated by the governing body of the county for the recording  
of instruments, according to law.

===== T I T L E   A M E N D M E N T =====

And the title is amended as follows:





367410

97       Delete lines 41 - 43  
98 and insert:  
99       Sections 1 and 2 of Article VIII of the State  
100       Constitution to provide that any law enacted by the  
101       Legislature that restricts the home rule powers  
102       granted to counties and

By Commissioner Smith

smithc-00071-17

201761\_\_

A proposal to amend  
Section 2 of Article VIII of the State Constitution to  
provide that any law enacted by the Legislature that  
restricts the home rule powers granted to  
municipalities must meet certain criteria.

Be It Proposed by the Constitution Revision Commission of  
Florida:

Section 2 of Article VII of the State Constitution is  
amended to read:

ARTICLE VII  
LOCAL GOVERNMENT

SECTION 2. Municipalities.—

(a) ESTABLISHMENT. Municipalities may be established or  
abolished and their charters amended pursuant to general or  
special law. When any municipality is abolished, provision shall  
be made for the protection of its creditors.

(b) POWERS. Municipalities shall have governmental,  
corporate and proprietary powers to enable them to conduct  
municipal government, perform municipal functions and render  
municipal services, and may exercise any power for municipal  
purposes except as otherwise provided by law. A law enacted by  
the legislature which restricts power granted to a municipality  
under this subsection must:

(1) Pass by a two-thirds vote of each house of the  
legislature;

(2) State with specificity the statewide necessity  
justifying the restriction;

(3) Be no broader than necessary to accomplish the  
statewide necessity expressed;

(4) Contain only one restriction of a power granted herein;

smithc-00071-17

201761\_\_

33       (5) Relate to one subject; and

34       (6) Be considered by at least one committee of each house,  
35 each of which must publicly notice the legislation for at least  
36 forty-eight hours before its consideration.

37  
38 Each municipal legislative body shall be elective. This  
39 subsection is self-executing.

40       (c) ANNEXATION. Municipal annexation of unincorporated  
41 territory, merger of municipalities, and exercise of extra-  
42 territorial powers by municipalities shall be as provided by  
43 general or special law.

CONSTITUTION REVISION COMMISSION

APPEARANCE RECORD

(Deliver completed form to Commission staff)

1/24/18

Meeting Date

61

Proposal Number (if applicable)

201701 Timmanns

Amendment Barcode (if applicable)

\*Topic

\*Name David Cruz

Address P.O. Box 1757

Phone 701-3674

Street Tallahassee

City State

Zip 32302

Email dcruz@fcities.com

\*Speaking: ☒ For ☐ Against ☐ Information Only

Waive Speaking: ☐ In Support ☐ Against  
(The Chair will read this information into the record.)

Are you representing someone other than yourself? ☒ Yes ☐ No

If yes, who? Florida League of Cities

Are you a registered lobbyist? ☒ Yes ☐ No

Are you an elected official or judge? ☐ Yes ☒ No

While the Commission encourages public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

Information submitted on this form is public record.

\*Required

✓

**CONSTITUTION REVISION COMMISSION**  
**APPEARANCE RECORD**  
(Deliver completed form to Commission staff)

1/26/2018  
Meeting Date

61  
Proposal Number (if applicable)  
408508  
Amendment Barcode (if applicable)

\*Topic Preemption

\*Name Edward G. Labrador

Address 115 S. Andrews Ave, Room 426  
H. Landerdale FL 33501  
City State Zip

Phone 954-357-7575

Email elabrador@broward.org

\*Speaking: ☒ For ☐ Against ☐ Information Only

Waive Speaking: ☐ In Support ☐ Against  
(The Chair will read this information into the record.)

Are you representing someone other than yourself? ☒ Yes ☐ No

If yes, who? Broward County

Are you a registered lobbyist? ☒ Yes ☐ No

Are you an elected official or judge? ☐ Yes ☒ No

While the Commission encourages public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

Information submitted on this form is public record.

\*Required

SV

**CONSTITUTION REVISION COMMISSION**  
**APPEARANCE RECORD**

(Deliver completed form to Commission staff)

1-26-18

Meeting Date

SB 61

Proposal Number (if applicable)

\*Topic

Make Preemption More Difficult in The

\*Name

Amy Datz

Future

Amendment Barcode (if applicable)

Address

1130 Crestview Ave.

Phone

(850) 322-7599

Street

Tallahassee

FL

32303

City

State

Zip

Email

amali.datz@mac.com

\*Speaking:

☐

For

☐

Against

☐

Information Only

Waive Speaking:

☒

In Support

☐

Against

(The Chair will read this information into the record.)

Are you representing someone other than yourself?

☒

Yes

☐

No

If yes, who?

AFSCME

Are you a registered lobbyist?

☐

Yes

☒

No

Are you an elected official or judge?

☐

Yes

☒

No

While the Commission encourages public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

Information submitted on this form is public record.

\*Required



CONSTITUTION REVISION COMMISSION

APPEARANCE RECORD

(Deliver completed form to Commission staff)

1/24/18

Meeting Date

61

Proposal Number (if applicable)

\*Topic

Amendment Barcode (if applicable)

\*Name

SARAH BENTON

Address

PO Box 954

Phone (850) 567-2237

Street

Titusville

Email SHARLEMIE@msnc.com

City

State

Zip

\*Speaking:



For

☐ Against

☐ Information Only

Waive Speaking: ☒ In Support ☐ Against  
(The Chair will read this information into the record.)

Are you representing someone other than yourself? ☐ Yes ☒ No

If yes, who?

Are you a registered lobbyist? ☐ Yes ☒ No

Are you an elected official or judge? ☐ Yes ☒ No

While the Commission encourages public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

Information submitted on this form is public record.

\*Required

✓

**CONSTITUTION REVISION COMMISSION**  
**APPEARANCE RECORD**

(Deliver completed form to Commission staff)

1/26/18

Meeting Date

61

Proposal Number (if applicable)

\*Topic

Local Gov

Amendment Barcode (if applicable)

\*Name

Norwood Onaick

Address

2904 N TAMPA

Phone

813 239 9663

Street

FL

Email

City

State

Zip

\*Speaking:

☐

For

☐

Against

☐

Information Only

Waive Speaking:

☒

In Support

☐

Against

(The Chair will read this information into the record.)

Are you representing someone other than yourself?

☐

Yes

☒

No

If yes, who?

Are you a registered lobbyist?

☐

Yes

☒

No

Are you an elected official or judge?

☐

Yes

☒

No

*While the Commission encourages public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.*

**Information submitted on this form is public record.**

**\*Required**



✓

**CONSTITUTION REVISION COMMISSION**  
**APPEARANCE RECORD**

(Deliver completed form to Commission staff)

1-26-2018

Meeting Date

61

Proposal Number (if applicable)

\*Topic

Prop 61

Amendment Barcode (if applicable)

\*Name

Scott A Losey

Address

725 Shore dr

Phone

541-661-5645

Street

Oldsmar

FL

State

33755

Zip

Email

\*Speaking:

☒ For

☐ Against

☐ Information Only

Waive Speaking:

☒ In Support

☐ Against

(The Chair will read this information into the record.)

Are you representing someone other than yourself?

☒ Yes

☐ No

If yes, who?

Are you a registered lobbyist?

☐ Yes

☒ No

Are you an elected official or judge?

☐ Yes

☒ No

While the Commission encourages public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

Information submitted on this form is public record.

\*Required

✓

**CONSTITUTION REVISION COMMISSION**  
**APPEARANCE RECORD**

(Deliver completed form to Commission staff)

1/26/2018  
Meeting Date

61  
Proposal Number (if applicable)

\*Topic \_\_\_\_\_

Amendment Barcode (if applicable) \_\_\_\_\_

\*Name KIM SMITH

Address \_\_\_\_\_

Phone \_\_\_\_\_

Street \_\_\_\_\_  
City LITTLA State FL Zip 33547

Email \_\_\_\_\_

\*Speaking: ☒ For ☐ Against ☐ Information Only ☒ Waive Speaking: ☒ In Support ☐ Against  
(The Chair will read this information into the record.)

Are you representing someone other than yourself? ☐ Yes ☒ No

If yes, who? \_\_\_\_\_

Are you a registered lobbyist? ☐ Yes ☒ No

Are you an elected official or judge? ☐ Yes ☒ No

While the Commission encourages public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

Information submitted on this form is public record.

**\*Required**

CONSTITUTION REVISION COMMISSION

APPEARANCE RECORD

(Deliver completed form to Commission staff)

1/26/18  
Meeting Date

61  
Proposal Number (if applicable)

\*Topic \_\_\_\_\_

Amendment Barcode (if applicable)

\*Name Jason Smith

Address \_\_\_\_\_

Phone 727-123-1438

Street

City

State

Zip

Email \_\_\_\_\_

\*Speaking: ☒ For ☐ Against ☐ Information Only

Waive Speaking: ☒ In Support ☐ Against  
(The Chair will read this information into the record.)

Are you representing someone other than yourself? ☐ Yes ☐ No

If yes, who? \_\_\_\_\_

Are you a registered lobbyist? ☐ Yes ☒ No

Are you an elected official or judge? ☐ Yes ☒ No

While the Commission encourages public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

Information submitted on this form is public record.

\*Required

CONSTITUTION REVISION COMMISSION  
**APPEARANCE RECORD**

(Deliver completed form to Commission staff)

1/26/18

Meeting Date

61

Proposal Number (if applicable)

\*Topic PCI

Amendment Barcode (if applicable)

\*Name Brian Sullivan

Address 100 S Monroe

Phone 810-335-0150

Tallahassee FL 32301  
City State Zip

Email bsullivan@flcounties.com

\*Speaking: ☒ For ☐ Against ☐ Information Only

Waive Speaking: ☐ In Support ☐ Against  
(The Chair will read this information into the record.)

Are you representing someone other than yourself? ☒ Yes ☐ No

If yes, who? Florida Association of Counties

Are you a registered lobbyist? ☒ Yes ☐ No

Are you an elected official or judge? ☐ Yes ☒ No

While the Commission encourages public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

Information submitted on this form is public record.

\*Required



✓

**CONSTITUTION REVISION COMMISSION**

**APPEARANCE RECORD**

(Deliver completed form to Commission staff)

3/26/18

Meeting Date

P61

Proposal Number (if applicable)

\*Topic Legislative Preemptions

Amendment Barcode (if applicable)

\*Name Dr. Rich Temple

Address 135 S. Monroe

Phone 850-224-6926

Street

Tallahassee

FL

32301

City

State

Zip

Email \_\_\_\_\_

\*Speaking: ☒ For ☐ Against ☐ Information Only

Waive Speaking: ☐ In Support ☐ Against  
(The Chair will read this information into the record.)

Are you representing someone other than yourself? ☒ Yes ☐ No

If yes, who? Florida AFL-CIO

Are you a registered lobbyist? ☒ Yes ☐ No

Are you an elected official or judge? ☐ Yes ☒ No

While the Commission encourages public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

Information submitted on this form is public record.

**\*Required**

CONSTITUTION REVISION COMMISSION

APPEARANCE RECORD

(Deliver completed form to Commission staff)

WIS ✓

1-26-18

Meeting Date

#61

Proposal Number (if applicable)

\*Topic

Preamble - transparency

Amendment Barcode (if applicable)

\*Name

Rip Caleen

Address

3048 Godfrey Place

Phone

750-508-9335

Street

Tallahassee

FL

32309

City

State

Zip

Email

ripcaleen@yahoo.com

\*Speaking:



For



Against



Information Only

Waive Speaking:



In Support



Against

(The Chair will read this information into the record.)

Are you representing someone other than yourself?



Yes



No

If yes, who?

Citizens for a Scenic Florida

Are you a registered lobbyist?



Yes



No

Are you an elected official or judge?



Yes



No

While the Commission encourages public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

Information submitted on this form is public record.

\*Required

✓

# CONSTITUTION REVISION COMMISSION APPEARANCE RECORD

(Deliver completed form to Commission staff)

01/26/2018

*Meeting Date*

61

*Proposal Number (if applicable)*

**\*Topic** Local Government Home Rule Authority

*Amendment Barcode (if applicable)*

**\*Name** Michael Beedie

**Address** 107 Miracle Strip Parkway SW

**Phone** (850) 461-2687

*Street*

Fort Walton Beach

FL

32548

*City*

*State*

*Zip*

**Email** mbeedie@fwb.org

**\*Speaking:** ☒ For ☐ Against ☐ Information Only

Waive Speaking: ☐ In Support ☐ Against  
(The Chair will read this information into the record.)

Are you representing someone other than yourself? ☒ Yes ☐ No

If yes, who? City of Fort Walton Beach

Are you a registered lobbyist? ☐ Yes ☒ No

Are you an elected official or judge? ☐ Yes ☒ No

*While the Commission encourages public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.*

**Information submitted on this form is public record.**

**\*Required**

CONSTITUTION REVISION COMMISSION

APPEARANCE RECORD

(Deliver completed form to Commission staff)

1/26/2018

Meeting Date

61

Proposal Number (if applicable)

\*Topic

Single Bill

Amendment Barcode (if applicable)

\*Name

Gary Bruhn

Address

108 Forest St

Phone

407-876-1732

Street

Windermere, FL 34786

Email

windermere mayor@yahoo.com

City

State

Zip

\*Speaking:



For



Against



Information Only

Waive Speaking:



In Support



Against

(The Chair will read this information into the record.)

Are you representing someone other than yourself?



Yes



No

If yes, who?

Florida League of Cities, Florida League of Mayors

Are you a registered lobbyist?



Yes



No

Are you an elected official or judge?



Yes



No

While the Commission encourages public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

Information submitted on this form is public record.

\*Required



CONSTITUTION REVISION COMMISSION

APPEARANCE RECORD

(Deliver completed form to Commission staff)



1/26/18  
Meeting Date

\_\_\_\_\_  
Proposal Number (if applicable)

\*Topic P 61 by Smith

\_\_\_\_\_  
Amendment Barcode (if applicable)

\*Name Van B. Poole

Address 106 E. College Ave. Suite 1100  
Street  
Tallahassee, FL 32301  
City State Zip

Phone 850 681-1980

Email van@poolemckinley.com

\*Speaking: ☐ For ☐ Against ☐ Information Only

Waive Speaking: ☒ In Support ☐ Against  
(The Chair will read this information into the record.)

Are you representing someone other than yourself? ☒ Yes ☐ No

If yes, who? The City of Sanibel

Are you a registered lobbyist? ☒ Yes ☐ No

Are you an elected official or judge? ☐ Yes ☒ No

While the Commission encourages public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

Information submitted on this form is public record.

\*Required

CONSTITUTION REVISION COMMISSION

APPEARANCE RECORD

(Deliver completed form to Commission staff)

11/26/18

Meeting Date

61

Proposal Number (if applicable)

\*Topic LOCAL GOVERNMENT

Amendment Barcode (if applicable)

\*Name GUENDA ABICENT

Address 4305 SW 98 AV

Phone 786-376-1181

Street

MIAMI

FL

33165

City

State

Zip

Email GUENDA.ABICENT@GMAIL.COM

\*Speaking: ☐ For ☐ Against ☐ Information Only

Waive Speaking: ☒ In Support ☐ Against  
(The Chair will read this information into the record.)

Are you representing someone other than yourself? ☐ Yes ☒ No

If yes, who? \_\_\_\_\_

Are you a registered lobbyist? ☐ Yes ☒ No

Are you an elected official or judge? ☐ Yes ☒ No

While the Commission encourages public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

Information submitted on this form is public record.

\*Required

✓

**CONSTITUTION REVISION COMMISSION**  
**APPEARANCE RECORD**

(Deliver completed form to Commission staff)

1/26/18

Meeting Date

61

Proposal Number (if applicable)

\*Topic PROP 61 - LOCAL GOVT

Amendment Barcode (if applicable)

\*Name ROBERT REDMOND

Address PO BOX 21088

Phone \_\_\_\_\_

Street

ST PETERSBURG FL

Email \_\_\_\_\_

City

State

Zip

\*Speaking: ☒ For ☐ Against ☐ Information Only

Waive Speaking: ☒ In Support ☐ Against  
(The Chair will read this information into the record.)

Are you representing someone other than yourself? ☐ Yes ☒ No

If yes, who? \_\_\_\_\_

Are you a registered lobbyist? ☐ Yes ☒ No

Are you an elected official or judge? ☐ Yes ☒ No

*While the Commission encourages public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.*

**Information submitted on this form is public record.**

**\*Required**

**CONSTITUTION REVISION COMMISSION**  
**APPEARANCE RECORD**

(Deliver completed form to Commission staff)

01-26-18

Meeting Date

61

Proposal Number (if applicable)

\*Topic Local Govt

Amendment Barcode (if applicable)

\*Name Christina Regalado

Address 2904 N Tampa St

Phone 813-505-1095

Street

Tampa

FL

33602

City

State

Zip

Email \_\_\_\_\_

\*Speaking: ☐ For ☐ Against ☐ Information Only

Waive Speaking: ☒ In Support ☐ Against  
(The Chair will read this information into the record.)

Are you representing someone other than yourself? ☐ Yes ☐ No

If yes, who? \_\_\_\_\_

Are you a registered lobbyist? ☐ Yes ☒ No

Are you an elected official or judge? ☐ Yes ☒ No

*While the Commission encourages public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.*

**Information submitted on this form is public record.**

**\*Required**

✓

**CONSTITUTION REVISION COMMISSION**  
**APPEARANCE RECORD**  
(Deliver completed form to Commission staff)

1-26-18

Meeting Date

P61

Proposal Number (if applicable)

\*Topic Local Government

Amendment Barcode (if applicable)

\*Name Theresa King

Address PO Box 10888

Phone \_\_\_\_\_

Street

Tallahassee FL 32301

City

State

Zip

Email \_\_\_\_\_

\*Speaking: ☐ For ☐ Against ☐ Information Only

Waive Speaking: ☒ In Support ☐ Against  
(The Chair will read this information into the record.)

Are you representing someone other than yourself? ☒ Yes ☐ No

If yes, who? Florida Building Trades

Are you a registered lobbyist? ☒ Yes ☐ No

Are you an elected official or judge? ☐ Yes ☒ No

While the Commission encourages public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

Information submitted on this form is public record.

**\*Required**



CONSTITUTION REVISION COMMISSION  
APPEARANCE RECORD

(Deliver completed form to Commission staff)

1/24/18

Meeting Date

61

Proposal Number (if applicable)

451392

Amendment Barcode (if applicable)

\*Topic P61

\*Name Brian Sullivan

Address 100 S Monroe

Tallahassee FL  
City State Zip

Phone 810.335-0150

Email bsullivan@flcounties.com

\*Speaking: ☒ For ☐ Against ☐ Information Only

Waive Speaking: ☐ In Support ☐ Against  
(The Chair will read this information into the record.)

Are you representing someone other than yourself? ☒ Yes ☐ No

If yes, who? Florida Association of Counties

Are you a registered lobbyist? ☒ Yes ☐ No

Are you an elected official or judge? ☐ Yes ☒ No

While the Commission encourages public testimony, time may not permit all persons wishing to speak to be heard at this meeting.  
Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

Information submitted on this form is public record.

\*Required

# The Constitution Revision Commission

## COMMITTEE VOTE RECORD

**COMMITTEE:** Local Government  
**ITEM:** P 61  
**FINAL ACTION:** Favorable with Committee Substitute  
**MEETING DATE:** Friday, January 26, 2018  
**TIME:** 9:00 a.m.—12:00 noon  
**PLACE:** 401 Senate Office Building, Tallahassee, Florida

[illegible]

CODES: FAV=Favorable  
UNF=Unfavorable  
-R=Reconsidered

RCS=Replaced by Committee Substitute  
RE=Replaced by Engrossed Amendment  
RS=Replaced by Substitute Amendment

TP=Temporarily Postponed  
VA=Vote After Roll Call  
VC=Vote Change After Roll Call

WD=Withdrawn  
OO=Out of Order  
AV=Abstain from Voting

**COMMITTEE:** Local Government  
**ITEM:** P 61  
**FINAL ACTION:** Favorable with Committee Substitute  
**MEETING DATE:** Friday, January 26, 2018  
**TIME:** 9:00 a.m.—12:00 noon  
**PLACE:** 401 Senate Office Building, Tallahassee, Florida

[illegible]

CODES: FAV=Favorable  
UNF=Unfavorable  
-R=Reconsidered

RCS=Replaced by Committee Substitute  
RE=Replaced by Engrossed Amendment  
RS=Replaced by Substitute Amendment

TP=Temporarily Postponed  
VA=Vote After Roll Call  
VC=Vote Change After Roll Call

WD=Withdrawn  
OO=Out of Order  
AV=Abstain from Voting



**Constitution Revision Commission  
Local Government Committee  
Proposal Analysis**

(This document is based on the provisions contained in the proposal as of the latest date listed below.)

Proposal #: CS/P 55

Relating to: JUDICIARY, Funding

Introducer(s): Judicial Committee and Commissioner Kruppenbacher

Article/Section affected:

Date: January 23, 2018

	REFERENCE	ACTION
1.	<u>JU</u>	<u>Fav/CS</u>
2.	<u>LO</u>	<u>Pre-meeting</u>

---

**I. SUMMARY:**

The Proposal amends Section 14 of Article V to require the legislature to provide funding sufficient to offset the Clerks costs in providing services in criminal and other court cases in which the parties do not pay fees and costs.

**II. SUBSTANTIVE ANALYSIS:**

**A. PRESENT SITUATION:**

The Florida Constitution proscribes how the offices of the Clerks of Court are funded when they are performing court-related functions. It requires that Clerks' court-related functions be funded by filing fees, service charges, and costs, as provided by general law.<sup>1</sup> However, the Legislature must provide adequate and appropriate supplemental funding to offset costs for performing court-related functions where the state or federal constitution preclude the imposition of filing fees in an amount determined by the legislature.<sup>2</sup> Certain case types are filed and processed by the Clerks without the payment of any fees or cost being imposed or collected.<sup>3</sup> Criminal, domestic violence, juvenile, and other filing fees and costs are waived for parties who are determined indigent.<sup>4</sup> Those costs are offset by excess revenues derived from traffic cases which require less

---

<sup>1</sup> Art. V, § 14, Fla. Const.

<sup>2</sup> Id.

<sup>3</sup> Comments from the Clerks of Circuit Courts on file with the CRC

<sup>4</sup> Id.

resources, however those cases have been declining.<sup>5</sup> Clerks across the state have seen a cumulative budget reduction of over \$62 million since 2012.<sup>6</sup>

**B. EFFECT OF PROPOSED CHANGES:**

This proposed amendment requires that the legislature provide, by law, funding for the payment of all filing fees, services charges and other costs for judicial proceedings in criminal and other cases where the parties do not pay filing fees.

The proposal requires that the clerks of the courts submit a collective annual budget for performing court-related functions to the legislature that includes any projected deficit. Should the legislature fail to address any deficits or shortfalls in revenue for court related services, the clerks of courts may file an appeal by petitioning the governor and cabinet for a budget hearing. Should the governor and cabinet determine the existence of a revenue deficit, they may recommend additional funding from the legislature from unobligated moneys in the state treasury. However, this would not be a mandate.

**C. FISCAL IMPACT:**

Indeterminate negative fiscal impact.

**III. Additional Information:**

**A. Statement of Changes:**

(Summarizing differences between the current version and the prior version of the proposal.)

The Judicial Committee amended the proposal removing the requirement that clerks of courts submit a cumulative budget to the legislature, as well as removing process for clerks of courts to petition the governor and cabinet to hold a hearing and determine the amount of any budget deficit and request relief from the legislature on behalf of the clerks from unobligated money in the state treasury.

**B. Amendments:**

The Judicial committee adopted amendment barcode: 369424

**C. Technical Deficiencies:**

None.

**D. Related Issues:**

None.

---

<sup>5</sup> Id.

<sup>6</sup> Id.

By the Committee on Judicial; and Commissioner Kruppenbacher

315-00195-17

201755c1

A proposal to amend  
Section 14 of Article V of the State Constitution to  
require the Legislature to provide by general law for  
the payment of filing fees, service charges, and other  
costs for certain judicial proceedings; and to require  
the clerks of the circuit and county courts to submit  
an annual cumulative budget for performing court-  
related functions to the Legislature.

Be It Proposed by the Constitution Revision Commission of  
Florida:

Section 14 of Article V of the State Constitution is  
amended to read:

ARTICLE V

JUDICIARY

SECTION 14. Funding.—

(a) All justices and judges shall be compensated only by  
state salaries fixed by general law. Funding for the state  
courts system, state attorneys' offices, public defenders'  
offices, and court-appointed counsel, except as otherwise  
provided in subsection (c), shall be provided from state  
revenues appropriated by general law.

(b) All funding for the offices of the clerks of the  
circuit and county courts performing court-related functions,  
except as otherwise provided in this subsection and subsection  
(c), shall be provided by adequate and appropriate filing fees  
for judicial proceedings and service charges and costs for  
performing court-related functions as required by general law.  
By general law, the legislature shall provide for the payment of  
filing fees, service charges, and other costs for judicial  
proceedings in criminal and other cases where the parties

315-00195-17

201755c1

33 participating do not pay filing fees. Such payment must be  
34 sufficient to offset the cost of the clerks' services in those  
35 cases. Selected salaries, costs, and expenses of the state  
36 courts system may be funded from appropriate filing fees for  
37 judicial proceedings and service charges and costs for  
38 performing court-related functions, as provided by general law.  
39 Where the requirements of either the United States Constitution  
40 or the Constitution of the State of Florida preclude the  
41 imposition of filing fees for judicial proceedings and service  
42 charges and costs for performing court-related functions  
43 sufficient to fund the court-related functions of the offices of  
44 the clerks of the circuit and county courts, the state shall  
45 provide, as determined by the legislature, adequate and  
46 appropriate supplemental funding from state revenues  
47 appropriated by general law.

48 (c) No county or municipality, except as provided in this  
49 subsection, shall be required to provide any funding for the  
50 state courts system, state attorneys' offices, public defenders'  
51 offices, court-appointed counsel or the offices of the clerks of  
52 the circuit and county courts performing court-related  
53 functions. Counties shall be required to fund the cost of  
54 communications services, existing radio systems, existing multi-  
55 agency criminal justice information systems, and the cost of  
56 construction or lease, maintenance, utilities, and security of  
57 facilities for the trial courts, public defenders' offices,  
58 state attorneys' offices, and the offices of the clerks of the  
59 circuit and county courts performing court-related functions.  
60 Counties shall also pay reasonable and necessary salaries,  
61 costs, and expenses of the state courts system to meet local

315-00195-17

201755c1

62 requirements as determined by general law.

63 (d) The judiciary shall have no power to fix

64 appropriations.

CONSTITUTION REVISION COMMISSION  
APPEARANCE RECORD

(Deliver completed form to Commission staff)

1/26/18  
Meeting Date

SV  
55  
Proposal Number (if applicable)

\*Topic Proposal 55

Amendment Barcode (if applicable)

\*Name Tiffany Russell

Address 425 W. Orange Ave., Ste. 2100

Phone 407-836-2022

Street

Orlando

FL

32801

City

State

Zip

Email tiffany.moorerussell@myorangeclerk.com

\*Speaking: ☒ For ☐ Against ☐ Information Only

Waive Speaking: ☐ In Support ☐ Against  
(The Chair will read this information into the record.)

Are you representing someone other than yourself? ☒ Yes ☐ No

If yes, who? Florida Court Clerks

Are you a registered lobbyist? ☐ Yes ☒ No

Are you an elected official or judge? ☒ Yes ☐ No

While the Commission encourages public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

Information submitted on this form is public record.

\*Required

✓

**CONSTITUTION REVISION COMMISSION**  
**APPEARANCE RECORD**

(Deliver completed form to Commission staff)

1/26/18  
Meeting Date

55  
Proposal Number (if applicable)

\*Topic Proposal #55

Amendment Barcode (if applicable)

\*Name Kathleen E Brown, Liberty County Clerk

Address P.O. Box 399  
Street

Phone 850-643-2215

Bristol FL 32321  
City State Zip

Email kbrown@libertyclerk.com

\*Speaking: ☐ For ☐ Against ☐ Information Only

Waive Speaking: ☒ In Support ☐ Against  
(The Chair will read this information into the record.)

Are you representing someone other than yourself? ☐ Yes ☒ No

If yes, who? -

Are you a registered lobbyist? ☐ Yes ☒ No

Are you an elected official or judge? ☒ Yes ☐ No

While the Commission encourages public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

Information submitted on this form is public record.

**\*Required**



✓

**CONSTITUTION REVISION COMMISSION**  
**APPEARANCE RECORD**

(Deliver completed form to Commission staff)

1/26/18

Meeting Date

55

Proposal Number (if applicable)

\*Topic Proposal #55

Amendment Barcode (if applicable)

\*Name GWEN MARSHALL, LEON CO Clerk of Court

Address 301 S. MONROE ST. #100

Phone 850-606-4005

Street

TAH

City

FL

State

32303

Zip

Email gmarshall@leoncountyfl.gov

\*Speaking: ☐ For ☐ Against ☐ Information Only

Waive Speaking: ☒ In Support ☐ Against  
(The Chair will read this information into the record.)

Are you representing someone other than yourself? ☐ Yes ☐ No

If yes, who? \_\_\_\_\_

Are you a registered lobbyist? ☐ Yes ☒ No

Are you an elected official or judge? ☒ Yes ☐ No

While the Commission encourages public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

Information submitted on this form is public record.

**\*Required**



✓

**CONSTITUTION REVISION COMMISSION**  
**APPEARANCE RECORD**

(Deliver completed form to Commission staff)

1-26-18  
Meeting Date

55  
Proposal Number (if applicable)

\*Topic Proposal 55

Amendment Barcode (if applicable)

\*Name Marcia Johnson, Clerk of Court, Franklin County

Address 33 Market St, Ste 203  
Street

Phone 850 653-8861 x 103

Apalachicola FL 32320  
City State Zip

Email mmjohnson@franklinclerk.com

\*Speaking: ☐ For ☐ Against ☐ Information Only

Waive Speaking: ☒ In Support ☐ Against  
(The Chair will read this information into the record.)

Are you representing someone other than yourself? ☐ Yes ☒ No

If yes, who? \_\_\_\_\_

Are you a registered lobbyist? ☐ Yes ☒ No

Are you an elected official or judge? ☒ Yes ☐ No Clerk of Court  
Franklin County

While the Commission encourages public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

Information submitted on this form is public record.

**\*Required**

✓

**CONSTITUTION REVISION COMMISSION**  
**APPEARANCE RECORD**  
(Deliver completed form to Commission staff)

1/23/18  
Meeting Date

55  
Proposal Number (if applicable)

\*Topic \_\_\_\_\_

Amendment Barcode (if applicable)

\*Name Ralph Thomas, Chairman Wakulla Commission

Address 637 Hunters Trace

Phone 850-597-3858

Street

Crawfordville, FL 32327

City

State

Zip

Email rthomas@mywakulla.com

\*Speaking: ☐ For ☐ Against ☐ Information Only

Waive Speaking: ☒ In Support ☐ Against  
(The Chair will read this information into the record.)

Are you representing someone other than yourself? ☒ Yes ☐ No

If yes, who? Wakulla County Commission

Are you a registered lobbyist? ☐ Yes ☒ No

Are you an elected official or judge? ☒ Yes ☐ No

While the Commission encourages public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

Information submitted on this form is public record.

\*Required

✓

**CONSTITUTION REVISION COMMISSION**  
**APPEARANCE RECORD**

(Deliver completed form to Commission staff)

1-26-18

Meeting Date

55

Proposal Number (if applicable)

\*Topic Proposal 55

Amendment Barcode (if applicable)

\*Name Tim Sanders, clerk of court - Jefferson

Address Leathouse circle

Phone 850-464-1507

Street

Monticello

FL

32340

City

State

Zip

Email tsanders@jeffersonclerk.com

\*Speaking: ☐ For ☐ Against ☐ Information Only

Waive Speaking: ☒ In Support ☐ Against  
(The Chair will read this information into the record.)

Are you representing someone other than yourself? ☐ Yes ☒ No

If yes, who? \_\_\_\_\_

Are you a registered lobbyist? ☐ Yes ☒ No

Are you an elected official or judge? ☒ Yes ☐ No

While the Commission encourages public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

Information submitted on this form is public record.

\*Required



✓

**CONSTITUTION REVISION COMMISSION**  
**APPEARANCE RECORD**

(Deliver completed form to Commission staff)

1-26-18

Meeting Date

Proposal Number (if applicable)

\*Topic PROPOSAL 55

Amendment Barcode (if applicable)

\*Name TARA S. GREEN

Address 825 N. ORANGE AVE

Phone 904 269 6317

GREEN COVE SPR FL 32043  
City State Zip

Email greent2clayclerk.com

\*Speaking: ☐ For ☐ Against ☒ Information Only

Waive Speaking: ☒ In Support ☐ Against  
(The Chair will read this information into the record.)

Are you representing someone other than yourself? ☒ Yes ☐ No

If yes, who? FLORIDA COURT CLERKS

Are you a registered lobbyist? ☐ Yes ☒ No

Are you an elected official or judge? ☒ Yes ☐ No

While the Commission encourages public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

Information submitted on this form is public record.

\*Required

✓

**CONSTITUTION REVISION COMMISSION**  
**APPEARANCE RECORD**

(Deliver completed form to Commission staff)

1-26-18

Meeting Date

55

Proposal Number (if applicable)

\*Topic

Clerk of Court Funding

Amendment Barcode (if applicable)

\*Name

Brent Thurmond, Wakulla Co Clerk

Address

311 Frank Jones Rd

Phone

850 926 0300

Street

Crawfordville

FL

32327

City

State

Zip

Email

bx +@wakullaclerk.com

\*Speaking:

☐

For

☐

Against

☐

Information Only

Waive Speaking:

☒

In Support

☐

Against

(The Chair will read this information into the record.)

Are you representing someone other than yourself?

☐

Yes

☒

No

If yes, who?

Are you a registered lobbyist?

☐

Yes

☒

No

Are you an elected official or judge?

☒

Yes

☐

No

While the Commission encourages public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

Information submitted on this form is public record.

\*Required

CONSTITUTION REVISION COMMISSION

APPEARANCE RECORD

(Deliver completed form to Commission staff)

1/26/2018  
Meeting Date

55  
Proposal Number (if applicable)

\*Topic CLERK OF COURT FUNDING

Amendment Barcode (if applicable)

\*Name BILLY WASHINGTON MADISON COUNTY CLERK OF COURT

Address 12393 NE COLIN KELLY HWY

Phone 850 673-9319

Street

PINETTA

City

FL

State

32350

Zip

Email bWASHINGTON@madisonclerk.com

\*Speaking: ☐ For ☐ Against ☐ Information Only

Waive Speaking: ☒ In Support ☐ Against  
(The Chair will read this information into the record.)

Are you representing someone other than yourself? ☐ Yes ☒ No

If yes, who? \_\_\_\_\_

Are you a registered lobbyist? ☐ Yes ☒ No

Are you an elected official or judge? ☒ Yes ☐ No MADISON CO. CLERK OF COURT

While the Commission encourages public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

Information submitted on this form is public record.

\*Required

**COMMITTEE:** Local Government  
**ITEM:** CS/P 55  
**FINAL ACTION:** Favorable  
**MEETING DATE:** Friday, January 26, 2018  
**TIME:** 9:00 a.m.—12:00 noon  
**PLACE:** 401 Senate Office Building, Tallahassee, Florida

[illegible]

CODES: FAV=Favorable  
UNF=Unfavorable  
-R=Reconsidered

RCS=Replaced by Committee Substitute  
RE=Replaced by Engrossed Amendment  
RS=Replaced by Substitute Amendment

TP=Temporarily Postponed  
VA=Vote After Roll Call  
VC=Vote Change After Roll Call

WD=Withdrawn  
OO=Out of Order  
AV=Abstain from Voting



**Constitution Revision Commission  
Executive Committee  
Proposal Analysis**

(This document is based on the provisions contained in the proposal as of the latest date listed below.)

Proposal #: CS/P 26

Relating to: EXECUTIVE, Cabinet

Introducer(s): Commissioner Keiser

Article/Section affected: Article IV, Section 4

Date: January 24, 2018

	REFERENCE	ACTION
1.	<u>EX</u>	<u>Fav/CS</u>
2.	<u>LO</u>	<u>Pre-meeting</u>

---

**I. SUMMARY:**

The proposal creates the Office of Domestic Security and Counter-Terrorism (Office) within the Department of Law Enforcement. The Office is required to provide support for prosecutors and federal, state, and local law enforcement agencies that investigate or analyze information relating to attempted acts of terrorism or terrorism, or agencies that prosecute terrorism. The Office must perform other duties as provided by general law.

The proposal provides that county sheriffs have authority over and are responsible for security for county-operated buildings, including courthouses. Sheriffs also have authority over and are responsible for local decisions regarding the administration and operations of their offices that affect security and law enforcement.

**II. SUBSTANTIVE ANALYSIS:**

**A. PRESENT SITUATION:**

**Florida Department of Law Enforcement**

Article IV, section 4 of the Florida Constitution provides that the Governor as chair, the Chief Financial Officer, the Attorney General, and the Commissioner of Agriculture are the agency head of the Florida Department of Law Enforcement (FDLE). The Executive Director of FDLE is appointed by the Governor, with the approval of three members of Cabinet.<sup>1</sup> The Executive Director must be confirmed by the Florida Senate and serves at

---

<sup>1</sup> Section 20.201(1), F.S.



the pleasure of the Governor and Cabinet.<sup>2</sup> Chapter 943, F.S., provides duties and responsibilities for FDLE.

FDLE provides services across the state, with an agency headquarters in Tallahassee and seven regional operations centers (ROC):

- Pensacola;
- Tallahassee;
- Jacksonville;
- Orlando;
- Tampa Bay;
- Fort Myers; and
- Miami.<sup>3</sup>

### **Counter-Terrorism Duties**

Section 943.03101, F.S., designates FDLE the lead agency to coordinate counter-terrorism efforts, working in conjunction with the Division of Emergency Management (DEM) and others involved in preparation against or response to acts of terrorism.<sup>4</sup>

Domestic security and counter-terrorism is a stated priority of FDLE:

“In implementing its statutory mandate, FDLE has incorporated domestic security and counterterrorism into its core investigative mission, working with all federal, state, and local domestic security partners to combat terrorism. In partnership with first responder and other domestic security partners, and consistent with our mission, FDLE developed and operates within the structure defined by Florida’s Domestic Security Strategy. The strategy is multi-disciplinary and multi-regional in scope, and assures all domestic security partners are vested in the state’s strategy and have access to resources to prevent, mitigate, respond or recover from acts of terrorism in this state.”<sup>5</sup>

FDLE’s Executive Director, or designee, serves as the Chief of Domestic Security, who:

- Coordinates efforts in the ongoing assessment of Florida’s vulnerability to, and ability to detect, prevent, prepare for, respond to, and recover from acts of terrorism;
- Prepares recommendations based on ongoing assessments to limit the vulnerability of the state to terrorism;
- Uses regional task forces to support the duties of FDLE with respect to domestic security;
- Reports suggestions for specific and significant security enhancements of state buildings; and

---

<sup>2</sup> *Id.*

<sup>3</sup> Florida Department of Law Enforcement, *About Us*, <http://www.fdle.state.fl.us/About-Us/About-Us.aspx> (last visited 1/13/2018).

<sup>4</sup> FDLE authority pertains to terrorism as defined in s. 775.30, F.S.

<sup>5</sup> Florida Department of Law Enforcement, Proposal 26 Analysis, p. 2, on file with Executive Committee staff.

- Recommends and implements best practices for the safety and security of state buildings.<sup>6</sup>

FDLE operates a regional domestic security task force (RDSTF) in each of its seven ROCs.<sup>7</sup> The RDSTFs serve in an advisory capacity and provide support pertaining to domestic security.<sup>8</sup> Each RDSTF is co-chaired by FDLE's Special Agent in Charge of the ROC and by a local Sheriff or Chief of Police within the same region.<sup>9</sup> Each RDSTF:

- Coordinates efforts to counter terrorism among local, state, and federal resources to ensure that such efforts are not fragmented or unnecessarily duplicated;
- Coordinates training for local and state personnel to counter terrorism;
- Coordinates the collection and dissemination of investigative and intelligence information; and
- Facilitates responses to terrorist incidents within or affecting each region.<sup>10</sup>

The RDSTFs, in conjunction with DEM and other entities responsible for establishing law enforcement and first responder standards, identify appropriate equipment and training needs, curricula, and materials related to the effective response to suspected or actual acts of terrorism or incidents involving real or hoax weapons of mass destruction.<sup>11</sup> The RDSTFs assist in making recommendations for funding for purchases of equipment, delivery of training, implementation of, or revision to basic or continued training required for state licensure or certification.<sup>12</sup> Additionally, the RDSTFs work with the Office of the Attorney General to ensure that hate-driven acts against ethnic groups who may have been targeted as a result of acts of terrorism are appropriately investigated and responded to.<sup>13</sup>

FDLE's Executive Director is a voting member on the Domestic Security Oversight Council (Council).<sup>14</sup> The Council is an advisory body that:

- Provides guidance to the RDSTFs;
- Makes recommendations regarding the expenditure of funds and allocation of resources related to counter-terrorism and domestic security efforts;
- Reviews the development, maintenance, and operation of a comprehensive multidisciplinary domestic security strategy;
- Reviews the overall statewide effectiveness of domestic security and counter-terrorism efforts in order to provide suggestions to improve or enhance those efforts; and

---

<sup>6</sup> Section 943.0311, F.S.

<sup>7</sup> Section 943.0312(1), F.S.

<sup>8</sup> *Id.*

<sup>9</sup> Section 943.0312(1)(b), F.S.

<sup>10</sup> Section 943.0312(2), F.S.

<sup>11</sup> Section 943.0312(3), F.S. Hoax weapon of mass destruction is defined in s. 790.166(1)(b), F.S.

<sup>12</sup> *Id.*

<sup>13</sup> Section 943.0312(4), F.S.

<sup>14</sup> Section 943.0313(1), F.S.

- Reviews efforts within the state to better secure state and local infrastructure against terrorist attack and make recommendations to enhance the effectiveness of such efforts.<sup>15</sup>

Other FDLE functions relating to domestic security efforts include:

- The Office of Domestic Security Preparedness within the Investigations and Forensic Sciences Division coordinates preparedness issues with all domestic security partners and RDSTFs throughout the state;
- The Chief of Domestic Security also serves as Florida's Homeland Security Advisor and works closely with DEM and other federal, state, and local agencies to enhance the state's domestic security preparedness through the implementation of Florida's Domestic Security Strategic Plan;<sup>16</sup> and
- Counter-terrorism investigative squads in each region participate on all relevant Federal Bureau of Investigation Joint Terrorism Task Forces across the state, and work with all elements within the criminal justice system to identify, investigate, arrest and convict terrorists with ties to the state.<sup>17</sup>

### **Florida Domestic Security and Counter-Terrorism Intelligence Center**

Section 943.0321, F.S., establishes a Florida Domestic Security and Counter-Terrorism Intelligence Center (Center) within FDLE. The Center is housed within the Office of Statewide Intelligence (OSI), which was created by FDLE in 1996 to “specifically address the need for a preemptive strategy to our state’s varied criminal elements and trends.”<sup>18</sup> Special agents for OSI operate out of all seven FDLE regions across Florida.<sup>19</sup>

The Center gathers, documents, and analyzes active criminal intelligence and active criminal investigative information related to terrorism; maintains and operates a counter-terrorism database; and provides support and assistance to federal, state, or local law enforcement agencies and prosecutors that investigate or prosecute terrorism.<sup>20</sup> The Center produces a FDLE Daily Domestic Security Brief and maintains situational awareness of issues in Florida and across the globe.<sup>21</sup> Other duties include strategic assessments on various infrastructure elements, monthly newsletters concerning domestic extremism, and providing information for Department of Homeland Security Information Reports that are disseminated to the United States Intelligence Community.<sup>22</sup>

---

<sup>15</sup> Section 943.0313, F.S.

<sup>16</sup> The Florida Domestic Security Strategic Plan: 2015-2017 can be accessed at <http://www.fdle.state.fl.us/Domestic-Security/Documents/2015-2017DomesticSecurityStrategicPlan.aspx> (last visited 1/13/2018).

<sup>17</sup> Florida Department of Law Enforcement, Proposal 26 Analysis, p. 2-3, on file with Executive Committee staff.

<sup>18</sup> Florida Department of Law Enforcement, *Office of Statewide Intelligence*, <http://www.fdle.state.fl.us/OSI/OSI-Home.aspx> (last accessed 1/13/2018).

<sup>19</sup> *Id.*

<sup>20</sup> Section 943.0321(2), F.S.

<sup>21</sup> Florida Department of Law Enforcement, *Office of Statewide Intelligence*, <http://www.fdle.state.fl.us/OSI/OSI-Home.aspx> (last accessed 1/13/2018).

<sup>22</sup> *Id.*

## County Sheriffs

Article VIII, section 1 of the Florida Constitution establishes five specific county officers: sheriff, tax collector, property appraiser, supervisor of elections, and clerk of the circuit court. Each officer is elected separately by the voters of the county for terms of four years.<sup>23</sup> Revision or abolition of these officers may be provided only by county charter or special law approved by a vote of the electors of the county, under certain circumstances.<sup>24</sup> The office of sheriff has been part of county government in Florida since 1822.<sup>25</sup>

Section 30.15, F.S., provides powers and duties for sheriffs. Within their respective counties, sheriffs must execute all process of the court and board of county commissioners, as well as other writs, processes, and warrants.<sup>26</sup> Sheriffs are required to be conservators of the peace, suppress riots and unlawful assemblies, and apprehend any person disturbing the peace.<sup>27</sup> Sheriffs are required to attend sessions of the circuit court and county court.<sup>28</sup> If a sheriff fails to attend a session of the court, either in person or by deputy, the judge may appoint an interim sheriff to assume the sheriff's responsibilities and duties.<sup>29</sup> The sheriff of a county is the executive officer of the circuit court, as well as the county court, in that county.<sup>30</sup>

## Judicial Administration

Article V, section 2(d) of the Florida Constitution provides that the chief judge is responsible for the administrative supervision of the circuit courts and county courts in the circuit. Section 43.26, F.S., provides that the chief judge of each judicial circuit has authority to assign judges; supervise dockets and calendars; regulate the use of courtrooms; require attendance of state attorneys, public defenders, clerks, bailiffs, and other officers of the court; "to do everything necessary to promote the prompt and efficient administration of justice..."; and to manage, operate, and oversee the jury system.<sup>31</sup> Failure of any judge, clerk, prosecutor, public defender, or other officer of the court to comply with an order or directive of the chief judge constitutes neglect of duty.<sup>32</sup> Additionally, Florida Rule of Judicial Administration 2.215 provides that the chief judge regulates the use of court facilities and directs "the formation and implementation of policies, and priorities for the operation of all courts and officers within the circuit."<sup>33</sup>

---

<sup>23</sup> Article VIII, s. 1(d), FLA. CONST.

<sup>24</sup> *Id.*

<sup>25</sup> Ch. 1, ss. 7, 10, Acts of the Legislative Council of the Territory of Florida (1822), <http://edocs.dlis.state.fl.us/fldocs/leg/actterritory/1822.pdf> (last visited 1/23/2018).

<sup>26</sup> Section 30.15(1), F.S.

<sup>27</sup> *Id.*

<sup>28</sup> *Id.*

<sup>29</sup> Section 30.12, F.S.

<sup>30</sup> Sections 26.49 and 34.07, F.S.

<sup>31</sup> *See also* s. 40.001, F.S.

<sup>32</sup> Section 43.26(4), F.S.

<sup>33</sup> Florida Rule of Judicial Administration 2.215(b)(2).

In the Twelfth Judicial Circuit, Chief Judge Charles E. Williams issued Administrative Order 2017-4.2, which required the sheriffs of DeSoto, Manatee, and Sarasota counties to provide security for court buildings, including buildings in which administrative functions of the court are carried out, but no sessions of the court are held, and court personnel and clerks' staff. The order imposed specific requirements for security of the buildings; identification verification and search of persons entering the buildings; and investigations of the background and criminal history of certain persons granted access to court facilities. The Second District Court of Appeals has upheld the administrative order and the Chief Judge's ability to compel the sheriffs to provide security beyond the "literal four corners of a courtroom wherein sessions of court take place" to include all court facilities and direct how the sheriffs must carry out the function of providing security.<sup>34</sup>

## **B. EFFECT OF PROPOSED CHANGES:**

The proposal creates the Office of Domestic Security and Counter-Terrorism (Office) within the Department of Law Enforcement. The Office is required to provide support for prosecutors and federal, state, and local law enforcement agencies that investigate or analyze information relating to attempted acts of terrorism or terrorism, or agencies that prosecute terrorism. The Office must perform other duties as provided by general law.

According to FDLE, the proposal "provide[s] FDLE original jurisdiction as the lead domestic security and counter-terrorism agency in Florida. The current structure recognizes the important roles played by all domestic security partners. It ensures collaboration and coordination across multiple disciplines, multiple levels of government and multiple regions across the state."<sup>35</sup>

The proposal provides that county sheriffs have authority over and are responsible for security for county-operated buildings, including courthouses. Sheriffs also have authority over and are responsible for local decisions regarding the administration and operations of their offices that affect security and law enforcement.

## **C. FISCAL IMPACT:**

Indeterminate.

## **III. Additional Information:**

### **A. Statement of Changes:**

(Summarizing differences between the current version and the prior version of the proposal.)

### **Executive Committee on January 19, 2018:**

The amended proposal provides that county sheriffs have authority over and are responsible for security for county-operated buildings, including courthouses. Sheriffs

---

<sup>34</sup> *Knight v. Chief Judge of Florida's Twelfth Judicial Circuit*, 2017 WL 6598638. Only the Westlaw citation is currently available. This opinion has not been released for publication in the permanent law reports. Until released, it is subject to revision or withdrawal.

<sup>35</sup> Florida Department of Law Enforcement, Proposal 26 Analysis, p. 3, on file with Executive Committee staff.

also have authority over and are responsible for local decisions regarding the administration and operations of their offices that affect security and law enforcement.

The amendment removed provisions requiring the Office to establish regional offices in multiple regions of the state.

**B. Amendments:**

None.

**C. Technical Deficiencies:**

None.

**D. Related Issues:**

None.



605110

CRC ACTION

Commissioner

- .
- .
- .
- .
- .
- .

---

The Committee on Local Government (Nocco) recommended the following:

**CRC Amendment**

Delete lines 61 - 68  
and insert:

Recognizing the importance of the sheriffs and local law enforcement agencies in the prevention of terrorist acts and other crimes in the community, the county sheriff shall have the responsibility for the security of county owned or operated courthouses and court facilities. Their authority shall include decision-making regarding the security of these courthouses and



605110

11 court facilities, as well as local decisions regarding the  
12 administration and operations of the Office of the Sheriff that  
13 affect security and law enforcement.



**By** the Committee on Executive; and Commissioners Keiser, Nocco, and Karlinsky

310-00192-17

201726c1

A proposal to amend  
Section 4 of Article IV of the State Constitution to  
establish the Office of Domestic Security and Counter-  
Terrorism within the Department of Law Enforcement.

Be It Proposed by the Constitution Revision Commission of  
Florida:

Section 4 of Article IV of the State Constitution is  
amended to read:

ARTICLE IV

EXECUTIVE

SECTION 4. Cabinet.—

(a) There shall be a cabinet composed of an attorney  
general, a chief financial officer, and a commissioner of  
agriculture. In addition to the powers and duties specified  
herein, they shall exercise such powers and perform such duties  
as may be prescribed by law. In the event of a tie vote of the  
governor and cabinet, the side on which the governor voted shall  
be deemed to prevail.

(b) The attorney general shall be the chief state legal  
officer. There is created in the office of the attorney general  
the position of statewide prosecutor. The statewide prosecutor  
shall have concurrent jurisdiction with the state attorneys to  
prosecute violations of criminal laws occurring or having  
occurred, in two or more judicial circuits as part of a related  
transaction, or when any such offense is affecting or has  
affected two or more judicial circuits as provided by general  
law. The statewide prosecutor shall be appointed by the attorney  
general from not less than three persons nominated by the  
judicial nominating commission for the supreme court, or as

310-00192-17

201726c1

otherwise provided by general law.

(c) The chief financial officer shall serve as the chief fiscal officer of the state, and shall settle and approve accounts against the state, and shall keep all state funds and securities.

(d) The commissioner of agriculture shall have supervision of matters pertaining to agriculture except as otherwise provided by law.

(e) The governor as chair, the chief financial officer, and the attorney general shall constitute the state board of administration, which shall succeed to all the power, control, and authority of the state board of administration established pursuant to Article IX, Section 16 of the Constitution of 1885, and which shall continue as a body at least for the life of Article XII, Section 9(c).

(f) The governor as chair, the chief financial officer, the attorney general, and the commissioner of agriculture shall constitute the trustees of the internal improvement trust fund and the land acquisition trust fund as provided by law.

(g) The governor as chair, the chief financial officer, the attorney general, and the commissioner of agriculture shall constitute the agency head of the Department of Law Enforcement. The Office of Domestic Security and Counter-Terrorism is created within the Department of Law Enforcement. The Office of Domestic Security and Counter-Terrorism shall provide support for prosecutors and federal, state, and local law enforcement agencies that investigate or analyze information relating to attempts or acts of terrorism or that prosecute terrorism, and shall perform any other duties that are provided by law.

310-00192-17

201726c1

61 Recognizing the importance and authority of the sheriffs and  
62 local law enforcement entities to the prevention of terrorist  
63 events as well as ensuring public safety in the community, the  
64 county sheriff shall have authority over and be responsible for  
65 security of, and security decisions made, for county operated  
66 buildings, including courthouses, as well as local decisions  
67 regarding the administration and operations of their office that  
68 effect security and law enforcement.

**COMMITTEE:** Local Government  
**ITEM:** CS/P 26  
**FINAL ACTION:**  
**MEETING DATE:** Friday, January 26, 2018  
**TIME:** 9:00 a.m.—12:00 noon  
**PLACE:** 401 Senate Office Building, Tallahassee, Florida

CODES: FAV=Favorable  
UNF=Unfavorable  
-R=Reconsidered

RCS=Replaced by Committee Substitute  
RE=Replaced by Engrossed Amendment  
RS=Replaced by Substitute Amendment

TP=Temporarily Postponed  
VA=Vote After Roll Call  
VC=Vote Change After Roll Call

WD=Withdrawn  
OO=Out of Order  
AV=Abstain from Voting